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STATE FOR NEA/PI (WINCUP)

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TAGS: [PREL](#) [KJUS](#) [PGOV](#) [YM](#) [DEMOCRATIC](#) [REFORM](#)

SUBJECT: ROYG JUSTICE MINISTER ON BAHRAIN CONFERENCE;
PROSPECTS FOR YEMENI REFORM

11. (U) Ambassador accompanied by Pol/Econ Deputy (notetaker) called on Minister of Justice Adnan al-Jafri to discuss the September Arab Judicial Forum conference and progress in reforming the Yemeni justice system on November 15. After detailing serious problems with the rule of law in Yemen, the Minister urged the Ambassador to seek U.S. assistance to reform the judiciary. Al-Jafri said, "an efficient and strong judiciary is essential to creating stability in Yemen and in the region." The Ambassador agreed to explore ways in which to assist, particularly in the area of commercial law reform. End Summary.

ARAB JUDICIAL FORUM - GREAT SUCCESS

12. (U) The Minister expressed great appreciation for the MEPI-supported Arab Judicial Forum that was held in Bahrain in September. He said he wanted to bring together the Yemeni participants to discuss lessons learned and how to apply them in Yemen. Al-Jafri praised the participation of Justice Sandra Day O'Connor and noted the following areas as being particularly useful as the Ministry draws up its strategic plan for reform:

-- Improving the selection and training of judges, including their morals and ethics as well as their rights and obligations;

-- Ensuring the independence of the judiciary;

-- Exploring the role of civil society organizations in improving the rule of law;

-- Strengthening human rights provisions in the judiciary and in legislation;

-- Applying legislation super-nationally in areas such as corruption, transparency and money laundering;

-- Codifying Shari'a law.

WIDESPREAD PROBLEMS WITH YEMENI JUSTICE SECTOR

13. (U) The Justice Minister said he was developing ambitious plans for re-structuring and reforming the judiciary. He invited U.S. representatives to a December 14 conference in Sanaa that will bring together the results of public discussions held in the governorates over the past 5 months in order to develop a written strategic plan for reform. The Minister outlined numerous problems facing justice reform efforts. Generally, he noted the lack of access by the less powerful, such as women and the poor, and the complicated procedures that prolong the path to justice. He also said the lack of women judges exacerbated women's ability to seek justice and that the political will to appoint more women judges was an obstacle rather than the law itself. He described the problem of traditional tribal justice and the intervention of powerful sheikhs in resolving disputes. He said corruption was an endemic problem, with 13 judges dismissed in 2003, as well as antiquated administrative procedures that limit judges' ability to apply the law properly.

14. (U) Specifically, the Minister highlighted commercial law reform as a vital area for improvement. The investment climate cannot improve until the commercial courts play their role robustly in fair judgments and implementation. In addition to investment problems, al-Jafri noted land disputes, maritime law and money exchange as other areas for improvement.

COMMENT: POSSIBILITIES FOR U.S. ASSISTANCE

15. (U) With areas and prospects for reform so diverse at this time and ROYG reform efforts still underdeveloped, Post will continue to explore ways to follow-up on the Bahrain conference directly. However, Post believes that the area of commercial law reform provides an area for reform that can be assisted immediately. Post will seek MEPI or other appropriate funds to develop a program to improve the commercial law system, including training judges and lawyers in commercial law, deconflicting old laws remaining on the books since unification and improving enforcement of commercial rulings. End Comment.